

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

GAIL STRINGER, et al.,	:	CASE NO. 4:21-cv-00632
Plaintiffs,	:	OPINION & ORDER
v.	:	[Resolving Docs. 58]
DAWN RICHARD, et al.,	:	
Defendants.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Plaintiffs Gail Stringer, Debra Jordan, Venice Andrews, and Eddie Howard sue Defendants Dawn Richard and Derek Bergheimer for copyright infringement, violation of publicity, and invasion of privacy.¹

On August 19, 2022, the Court granted Defendant Dawn Richard's summary judgment motion.²

Plaintiffs now move for reconsideration of the Court's grant of summary judgment.³

Under [Federal Rule of Civil Procedure 59\(e\)](#), a court may grant a motion to amend or alter its judgment if there is: (1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) manifest injustice.⁴ A reconsideration motion, however, is not an opportunity to re-litigate previously decided matters or present the case under new theories.⁵ Such a reconsideration motion is extraordinary and rarely granted.⁶

¹ Doc. [1](#).

² Doc. [55](#).

³ Doc. [58](#).

⁴ [Gencorp, Inc. v. Am. Int'l Underwriters](#), 178 F.3d 804, 834 (6th Cir. 1999).

⁵ See [Sault Ste. Marie Tribe of Chippewa Indians v. Engler](#), 146 F.3d 367, 374 (6th Cir. 1998).

⁶ [Plaskon Elec. Materials, Inc. v. Allied-Signal, Inc.](#), 904 F. Supp. 644, 669 (N.D. Ohio 1995).

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In their reconsideration motion, Plaintiffs argue that newly discovered evidence shows intentional copyright infringement.⁷ However, the evidence Plaintiffs presented in their reconsideration motion does not affect the Court's original conclusions that (1) Plaintiffs did not hold a sound recording copyright for the arguably copied song, "Abundance of Rain," and that (2) the composition at issue is not original because Plaintiffs did not independently create the arguably-copied phrasing. As a result, Plaintiffs' sound recording and composition copyright claims still fail.

For the foregoing reasons, the Court **DENIES** Plaintiffs' motion for reconsideration.

IT IS SO ORDERED.

Dated: September 19, 2022

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁷ Doc. [58](#).